



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
650 Capitol Mall, Suite 5-100
Sacramento, California 95814-4700

October 1, 2021

Mr. Ernest Conant
Regional Director
United States Department of Interior
Bureau of Reclamation
2800 Cottage Way
Sacramento, California 95825-1898
econant@usbr.gov

Electronic transmittal only

Re: Request for Reinitiation of Section 7 Consultation for the Long-Term Operation of the Central Valley Project and State Water Project

Dear Mr. Conant:

Thank you for your September 30, 2021 request to reinitiate Endangered Species Act (ESA) section 7 consultation on the Long-term Operation of the Central Valley Project (CVP) and State Water Project (SWP). The Bureau of Reclamation (Reclamation) is requesting reinitiation of consultation based on anticipated modifications to the Proposed Action that may cause effects to listed species or designated critical habitats that were not analyzed in NOAA's National Marine Fisheries Service's (NMFS) October 21, 2019 biological opinion. This response is provided under the authority of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR 402).

Reinitiation is being requested, in part, to respond to Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, and to voluntarily reconcile CVP operating criteria with the operational requirements of the SWP as conditioned by the State of California's Incidental Take Permit issued pursuant to the California Endangered Species Act. The goals of the reinitiated consultation, as described by Reclamation, will be to support species viability, protect life history diversity, support operational flexibility, provide regulatory certainty, support science and monitoring, and create a single feasible adaptable coordinated operation for the CVP and SWP. Until new biological opinions are issued, and National Environmental Policy Act requirements are completed, the CVP will continue to operate pursuant to the existing consultation and Record of Decision, as modified by interim measures, if any, as required by ongoing drought conditions or as ordered in conjunction with any ongoing litigation.

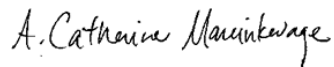
We recognize that this consultation is most efficiently and effectively done with participation of Reclamation, the U.S. Fish and Wildlife Service, the California Department of Water Resources, the California Department of Fish and Wildlife, and NMFS, and therefore, we are prepared to



provide technical assistance to develop and analyze a new proposed action, and to utilize the best scientific and commercial information available.

Please direct questions regarding this letter to Howard Brown, Senior Policy Advisor, NMFS California Central Valley Area Office, at (916) 930-3608 or via e-mail at Howard.Brown@noaa.gov.

Sincerely,

A handwritten signature in cursive script that reads "A. Catherine Marcinkevage".

Cathy Marcinkevage
Assistant Regional Administrator
California Central Valley Area Office

cc: ARN: 151422-WCR2021-SA00122
Paul Souza, Paul_Souza@fws.gov
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